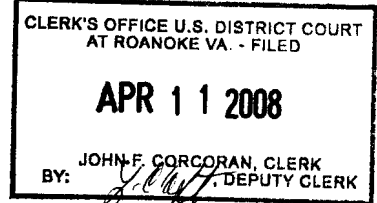


# UNITED STATES DISTRICT COURT

for the

Western District of Virginia



United States of America

v.

Deryck Lennox Halley

Date of Previous Judgment: June 8, 1990

(Use Date of Last Amended Judgment if Applicable)

Case No: 7:89CR00115

USM No: 28503-053

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain):

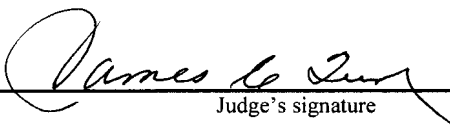
The guidelines calculations in this case involved both cocaine powder and crack cocaine; however, the court multiplied the crack cocaine amounts by 100 to convert it to a powder quantity and then used the powder quantity to determine the base offense level of 34. If these quantities are converted to marijuana equivalents instead, they produce a base offense level of 34 under the old crack cocaine guidelines and the new guidelines as amended in 2007. As the defendant's base offense level does not change under the amended version, his sentencing range is not reduced and he is not eligible for a sentence reduction under § 3582(c)(2).

### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 06/08/1990 shall remain in effect.

IT IS SO ORDERED.

Order Date: April 11, 2008

  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

James C. Turk, Senior United States District Judge  
Printed name and title